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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7  
8 CARIN R. PFUHL,  
9 Plaintiff,  
10 vs.  
11 CHASE MANHATTAN MORTGAGE  
12 CORPORATION, a New Jersey  
corporation, qualified to do  
business in the State of  
Nevada,  
13  
14 Defendant.

) CV-S-01-0144-RLH-LRL

15 ) SIX PERSON JURY DEMANDED

COMPLAINT

16 1. The jurisdiction of this Court is conferred by 15 U.S.C.  
17 § 1681p. Venue lies in the Southern Division of the Judicial  
18 District of Nevada as Plaintiff's claims arose from acts of the  
19 Defendant perpetrated therein.

21 PRELIMINARY STATEMENT

22 2. The Plaintiff brings this action for damages based upon  
23 Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C.  
24 Section 1681 et seq. (hereinafter referred as the "FCRA").  
25 Plaintiff seeks actual damages, punitive damages, costs and  
26 attorney's fees.

3. Plaintiff is a natural person and is a resident and a citizen of the State of Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the FCRA.

4. The Defendant, Chase Manhattan Mortgage Corporation, (hereinafter referred to as "User") is a foreign corporation with its principal place of business in New Jersey.

**CAUSE OF ACTION**

**Statement of Facts**

5. During October, 2000, Plaintiff and Defendant were ensconced in a litigation arising from the April, 1998, death of Plaintiff's father, John O'Toole.

6. The parties were involved in settlement negotiations.

7. On October 7, 2000, in an effort to gain an unfair advantage over Plaintiff, the Defendant illegally accessed Plaintiff's Trans Union LLC Consumer Credit Profile.

8. A copy of the relevant page of Plaintiff's Trans Union LLC Profile, dated January 26, 2001, is attached as Exhibit 1.

9. The referenced inquiry has become a permanent component of the Plaintiff's credit profile and is reported to those who ask to review the credit history of the Plaintiff.

10. Upon best information and belief, User agreed and represented in its agreements with the various credit reporting agencies that User would request and use consumer reports which were obtained from said agencies only for purposes which are lawful under the FCRA as defined under § 1681b.

• • •

1           11. User was required pursuant to FCRA §§ 1681b(f), 1681n and  
2         1681o to refrain from obtaining consumer reports from credit  
3         reporting agencies under false pretenses.

4           12. At no time material hereto did Plaintiff ever have a  
5         relationship of any kind with User as defined under FCRA  
6         § 1681b(a)(3)(A)-(F).

7           13. User has never ever been ordered by a court of competent  
8         jurisdiction to issue a consumer report pursuant to FCRA  
9         § 1681b(a)(1). Plaintiff has never knowingly given written  
10        instructions to User to obtain and/or release to a third party a  
11        consumer report of which Plaintiff was the subject pursuant to FCRA  
12        § 1681b(a)(2).

13          14. User had an affirmative duty to follow reasonable  
14        procedures, including those that would prevent the impermissible  
15        accessing of consumer reports.

16          15. Reasonable procedures for users include restricting the  
17        ability of its agents to obtain consumer reports on consumers for  
18        any impermissible purpose.

19          16. Upon best information and belief, User's illegal and  
20        surreptitious acquisition of Plaintiff's credit reports derived  
21        from an interest and priority well beyond the scope of the FCRA.

22          17. User has, upon best information and belief, compromised  
23        its relationship with the various credit reporting agencies in  
24        falsifying the basis upon which Plaintiff's report was obtained.

25          18. User has compromised Plaintiff's access to credit in  
26        imparting to past, present and future credit grantors that  
27        Plaintiff has applied for credit in tandem with a relationship with  
28        User.

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**Statement of Claim**

19. Defendant/User willfully and/or negligently violated the provisions of the FCRA in the following respects:

- a. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiff's credit reports in violation of FCRA § 1681b(f).
  - b. User has falsely, purposely, surreptitiously and maliciously obtained the Plaintiff's credit reports in violation of FCRA § 1681n.
  - c. User has obtained the Plaintiff's credit reports in violation of FCRA § 1681o.

## PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the court grant:

- a) actual damages;
  - b) punitive damages;

c) attorney's fees; and

e) costs.

~~Respectfully submitted,~~

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**EXHIBITS**

REPORT ON: PFUHL, KAREN R. PAGE 7 OF 8  
 SOCIAL SECURITY NUMBER: 545-31-1129

## ACCOUNT INFORMATION, CONT.

DC729D011  
 MACYW/GECCCC # 578055355530 INSTALLMENT ACCOUNT  
 CHARGE ACCOUNT  
 UPDATED 07/2000 BALANCE: \$0 INDIVIDUAL ACCOUNT  
 OPENED 11/1990 MOST OWED: \$653 PAY TERMS: 10 MONTHLY  
 CLOSED 08/1996 CREDIT LIMIT: \$500  
 STATUS AS OF 08/1996: PAID OR PAYING AS AGREED  
 IN PRIOR 01 MONTH FROM DATE CLOSED NEVER LATE

DC729D012  
 MACYW/GECCCC # 572970186830 INSTALLMENT ACCOUNT  
 ACCOUNT CLOSED BY CONSUMER CHARGE ACCOUNT  
 UPDATED 07/2000 BALANCE: \$0 JOINT ACCOUNT  
 OPENED 02/1982 MOST OWED: \$832 PAY TERMS: 10 MONTHLY  
 CLOSED 06/1996  
 STATUS AS OF 06/1996: PAID OR PAYING AS AGREED  
 IN PRIOR 01 MONTH FROM DATE CLOSED NEVER LATE

BC152B021  
 FCNB-SPIEGEL # 2417151087 REVOLVING ACCOUNT  
 CHARGE ACCOUNT  
 UPDATED 02/2000 BALANCE: \$354 AUTHORIZED ACCOUNT  
 OPENED 11/1999 MOST OWED: \$400 CREDIT LIMIT: \$400  
 STATUS AS OF 02/2000: PAID OR PAYING AS AGREED  
 IN PRIOR 14 MONTHS FROM DATE VERIF'D NEVER LATE

THE FOLLOWING COMPANIES HAVE RECEIVED YOUR CREDIT REPORT. THEIR INQUIRIES REMAIN ON YOUR CREDIT REPORT FOR TWO YEARS. (NOTE: TU CONSUMER DISCLOSURE INQUIRIES ARE NOT VIEWED BY CREDITORS.)

DATE	INQUIRY TYPE	SUBSCRIBER NAME
01/26/2001	INDIVIDUAL	CONSUMER DISCLOSURE
12/10/2000	JOINT	2901 EXPRESS MORTGAG VIA FACTUAL DATA-NATIONA
	PERMISSIBLE PURPOSE = CREDIT TRANSACTION	
10/07/2000	INDIVIDUAL	CHASE MANHATTAN BANK
04/06/2000	INDIVIDUAL	ROBINSONS MAY
02/01/2000	INDIVIDUAL	MBNA AMERICA
10/06/1999	INDIVIDUAL	ALLSTATE PHOENIX
	PERMISSIBLE PURPOSE = INSURANCE UNDERWRITING	

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EXHIBIT 1